



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,073	12/30/2003	Paul John Duffield	10660-82U1 (10538P1)	6892

570 7590 03/01/2007
AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
----------	--------------

1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,073

Applicant(s)

DUFFIELD ET AL.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 6 as being anticipated by Duynslager et al (U.S. Patent No. 5,769,267), of record on page 2 of the previous Action, is withdrawn.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansell de May (U.K. Patent 1,164,141) in view of Konefal (U.S. Patent No. 5,914,381).

With regard to Claim 5, Mansell de May discloses a blow molded (page 1, lines 21 - 31) container (capsule; page 2, lines 1 - 6), therefore having a wall, for delivering a laundry composition (detergent; page 2, line 99) having a film that is dissolved with the container is exposed to water to expose perforations (page 2, lines 99 – 109); the film is therefore a material that dissolves at an intended aqueous destination site, leaving perforations. Mansell de May fails to disclose a container which is injection molded.

Konefal teaches that it is well – known in the art to blow mold a container from a parison that is injection molded (column 1, lines 18 – 23) for the purpose of obtaining a container having any desired size or shape (column 1, lines 13 – 15). The desirability of providing for

Art Unit: 1772

injection molding in Mansell de May, which is a container, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for injection molding in Mansell de May in order to obtain a capsule having any desired size or shape as taught by Konefal.

With regard to Claim 6, the material disclosed by Mansell de May comprises polyvinyl alcohol (page 2, line 101).

4. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansell de May (U.K. Patent 1,164,141) in view of Konefal (U.S. Patent No. 5,914,381) and further in view of Ehrlich (U.S. Patent No. 4,099,912).

Mansell de May and Konefal disclose a container for detergent having a water – soluble film as discussed above. With regard to Claims 1 – 3, Mansell de May and Konefal fail to disclose a water soluble film comprising gelatin.

Ehrlich teach a film comprising gelatin for a container (column 8, lines 43 – 47) for the purpose of containing a detergent with additional agents having sequestering properties (column 8, lines 47 – 53). One of ordinary skill in the art would therefore have recognized the advantage of providing for the film of Ehrlich in Mansell de May and Konefal, which comprises an container detergent, depending on the desired containment of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a water soluble film comprising gelatin in

Mansell de May and Konefal in order to contain a detergent with additional agents having sequestering properties as taught by Ehrlich.

With regard to Claim 4, the container disclosed by Mansell de May comprises an elongate tubular package having a closed rounded end as shown in Figure 8.

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments and amended claims regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 6 as being anticipated by Duynslager et al (U.S. Patent No. 5,769,267), of record in the previous Action, have been considered and have been found to be persuasive. The rejection is therefore withdrawn. The new rejections above are directed to amended Claims 1 – 6. The amendment has been entered, and prosecution re – opened, because although the previous Action was intended to be non – final, it appears that Applicant thought that the Action was final, and therefore responded with an amendment that was received by the Office as after – final. Re – opening prosecution will serve to clear what appears to have been confusion between the Applicant and the Office.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc A. Patterson 2/26/07

Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772